

11. NEPA and Conformity Thresholds

General Conformity Rule (40 CFR Parts 51 and 93)

The General Conformity Rule was promulgated by EPA in 1993 and includes two parts: Transportation Conformity Regulations and General Conformity Regulations. The purpose of the General Conformity Rule is to:

- Ensure that Federal activities do not interfere with the budgets in the state implementation plans (SIPs);
- Ensure that actions do not cause or contribute to new violations of the NAAQS;
- Ensure the attainment and maintenance of the NAAQS.

Pursuant to the Federal Clean Air Act, transportation and non-transportation infrastructure projects in Federal Nonattainment Areas that are supported by Federal funding and not subject to special exemptions would be required to comply with District Rule 10.4 General Conformity and District Rule 10.5 Transportation Conformity. The current nonattainment areas in the District are:

8-hour Ozone NAAQS-

- South Sutter County (as defined in 40CFR Section 81.305)
- Elevations exceeding 2,000 feet in the Sutter Butte Mountain Range

2006 PM_{2.5} NAAQS-

- All of Sutter County
- Majority of Yuba County

Transportation Conformity Regulations (58 FR 62188), which apply to highways and mass transit, establish criteria and procedures for determining whether transportation plans, programs, and projects funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. The General Conformity Regulations (58 FR 63214) apply to all other Federal actions.

The Conformity Rule applies to Federal actions one year after the effective date of designation of a National NAAQS Nonattainment Area. The District has been designated as a Nonattainment Area for the 2006 PM_{2.5} NAAQS. The designations became effective December 14, 2009. Therefore, Federal actions that have not yet been approved by December 14, 2010, are required to comply with the Transportation Conformity Rule. The proposed Nonattainment Area includes all of Sutter County and most of Yuba County. For information on the PM_{2.5} Designations, please visit: <http://www.epa.gov/pmdesignations/2006standards/index.htm>.

For more information on General and Transportation Conformity, please visit: <http://www.epa.gov/oar/genconform/background.htm>.

Relationship to NEPA

Some projects subject to CEQA may also require compliance under federal environmental law, namely the National Environmental Policy Act (NEPA). In such cases, a joint NEPA-CEQA analysis is appropriate. Under certain circumstances, the CEQA Guidelines allow public agencies to use a NEPA document rather than prepare an EIR or Negative Declaration. The District's Indirect Source Review Guidelines provide guidance for assessing air quality impacts and preparing environmental documents under CEQA, but can also be used to prepare a NEPA or joint CEQA-NEPA analysis.